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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,622	03/22/2001	Mark E. Cannon	CANN-0208	3984

7590 02/13/2003

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT PAPER NUMBER

2172

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,622

Applicant(s)

CANNON, MARK E.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22,76-78 and 81-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22,76-78 and 81-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 83-87 are added.

Claims 12-22, 76-78 and 81-87 are remained pending for examination.

Claim Rejections - 35 U.S.C. § 112

2. Claims 76-78 and 81-87 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out distinctly claim the subject matter which applicant regards as the invention.

Claim 76, line 5, variables V_I^n , V_A^d , V_T , V_R , V_C , a , A , d , D , N_a and $S_b(a)$ should be defined in the claim.

Claim 82, line 4, variables V_I^n , V_A^d , d , D , N_a should be defined in the claim.

Claim 83, line 7, variables V_I^n , V_A^d , d , D , N_a should be defined in the claim.

Claim 87, line 4, variables V_I^n , V_A^d , V_T , V_R , V_C , a , A , d , D , N_a and $S_b(a)$ should be defined in the claim.

Claims 77-78, 81 and 84-86 incorporate the problems of claims 76 and 83, respectively, by dependency.

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Claim Rejections - 35 U.S.C. § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (US Pat. No. 5,717,923) ("Dedrick").

As per claim 15, Dedrick teaches a program product as claimed comprises and advertising optimization mechanism (thus, the content received by the metering server 14 from the publisher may include content titles that summarily describe the contents and are stored in the index databases 35 of the metering servers 14, which is equivalent to advertising optimization mechanism) (see col. 13, lines 36-39), the advertising optimization mechanism iteratively modifying a base advertising schedule to achieve an optimal advertising schedule (thus, the end user/advertiser may also include an availability schedule within the calendar database 72 which allows an end user who consumes the advertisement to view and request the service at a specified date and time, the scheduling process 74 allows the end user to access the calendar database 72 to view and schedule a time; which is readable as the advertising optimization mechanism iteratively modifying a base advertising schedule to achieve an optimal advertising schedule) (see col. 14, lines 33-42); and

signal bearing media bearing the advertising optimization mechanism (thus, the content database may reside within the publisher unit or be located at a remote location such as the metering server or a regional server that services a plurality of metering servers, the software tools may include a hypertext oriented mark up language that routes distributed end users to the

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content databases; which is equivalent to signal bearing media bearing the advertising optimization mechanism) (see col. 4, lines 18-23).

As per claim 16, the limitations of claim 16 is rejected in the analysis of claim 15, and this claim is rejected on that basis.

As per claim 17, Dedrick teaches a program product as claimed comprises wherein the signal bearing media comprises recordable media (see col. 4, lines 44-48).

As per claim 18, Dedrick teaches the computer system as claimed wherein the plurality of indices which are utilized by the advertising optimization mechanism to iteratively modify the base advertising schedule (see col. 14, lines 33-34).

As per claim 19, Dedrick teaches the computer system as claimed wherein the plurality of indices includes an exposure valuation index, audience valuation index, an exposure recency index, a response index and a cost index (thus, the tools may also allow the publisher to associate a plurality of cost types and corresponding cost values with the same content of information; which is equivalent to a response index and a cost index)(see col. 11, lines 33-34).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 12-14 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (US Pat. No. 5,717,923) in view of Cipolla 'Data Mining Techniques to Gain Insight Into Your Data - 12/1995' ("Dedrick"), ("Cipolla").

As per claim 12, Cipolla teaches a computer system for optimizing an advertising schedule, (thus, the end user/advertiser may also include an availability schedule within the calendar database 72 which allows an end user who consumes the advertisement to view and request the service at a specified date and time, the scheduling process 74 allows the end user to access the calendar database 72 to view and schedule a time; which is readable as optimizing an advertising schedule) (see col. 14, lines 33-42) as claimed, the method comprises a CPU (see col. 15, lines 2-10);

a memory coupled to the CPU (thus, the metering process 36 associates the information with the aggregate user profile data of the user in the user profile database 30, which is readable as a memory coupled to the CPU) (see col. 14, lines 8-10);

a database residing in the memory (see col. 9, lines 28-31), the database containing a plurality of person-by-person data files, the plurality of person-by-person data (thus, the yellow page server 22 receives and stores electronic advertising information from advertiser 18 in the advertising database 70, which is readable as the database containing a plurality of person-by-person data files) (see col. 14, lines 16-20);

a graphical user interface residing in the memory and being executed by the CPU (thus, the graphical interface user also allows the user to receive inquiries, request information and

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consume information by viewing, storing, etc.; which is readable as a graphical user interface residing in the memory and being executed by the CPU) (see col. 3, lines 62-67);

wherein the graphical interface provides a plurality of choices for optimizing the advertising schedule according to a plurality of indices (thus, the adviser 18 is provided with a graphical user interface which allows the adviser 18 to select certain consumer variables from a set of consumer variables and associate the selected variables with specific objects or field within electronic information; which is readable as wherein the graphical interface provides a plurality of choices for optimizing the advertising schedule according to a plurality of indices)(see col. 4, lines 34-40). But, Dedrick does not explicitly indicate a database mining engine residing in the memory; and a data conversion mechanism residing in the memory, the data conversion mechanism comprising a mechanism for converting data from a first data format to a second data format. However, Cipolla implicitly indicates a data mining process and process to transform the data into information (see pages 18 and 19, lines 39-47 and 33-38). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Dedrick and Cipolla with a database mining engine residing in the memory; and a data conversion mechanism residing in the memory, the data conversion mechanism comprising a mechanism for converting data from a first data format to a second data format. This modification would allow the teachings of Dedrick and Cipolla to provide better information for decision making (see page 18, line 45).

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As per claim 13, the limitations of claim 13 is rejected in the analysis of claim 12, and this claim is rejected on that basis.

As per claim 14, Dedrick teaches the computer system as claimed wherein the plurality of indices includes an exposure valuation index, audience valuation index, an exposure recency index, a response index and a cost index (thus, the tools may also allow the publisher to associate a plurality of cost types and corresponding cost values with the same content of information; which is equivalent to a response index and a cost index)(see col. 11, lines 33-35).

As per claims 20-22, Dedrick teaches the claimed subject matter except the claimed the data conversion mechanism comprising a mechanism for converting data from a first data format to a second data format. However, Cipolla indicates a process to transform the data into information (see page 19, lines 33-38). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Dedrick and Cipolla with data conversion mechanism comprising a mechanism for converting data from a first data format to a second data format. This modification would allow the teachings of Dedrick and Cipolla to provide better information for decision making (see page 18, line 45).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cannon US Patent No. 6,029,176 relates to the field of computer assists data manipulation and analysis.

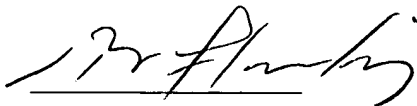
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Conclusion

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

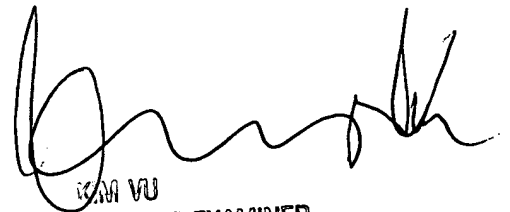
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

July 1, 2002

JBF/



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